

See attachment

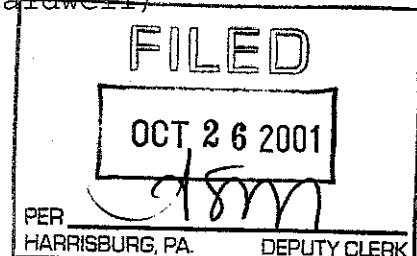
(29) P.M.
10/26/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY, :
Plaintiff :
vs. : CIVIL NO. 1:CV-00-2125
KENNETH KYLER, et al., : (Judge Caldwell)
Defendants :
:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:



The defendants noticed the plaintiff's deposition for October 23, 2001, at SCI-Camp Hill. The plaintiff has filed a "Motion in Objection to the Defendants' Notice of Oral Deposition." The plaintiff, currently housed at SCI-Pittsburgh asserts, among other things, that his transfer to SCI-Camp Hill (where the alleged events giving rise to the complaint took place) for the purpose of his deposition will subject him to harm and harassment at the hands of defendants' "agents, allies, colleagues, or persons employed at Camp Hill". (Doc. 27, ¶1). The plaintiff requests this court to stay his transfer to SCI-Camp Hill and direct the defendants to take his deposition via telephone.

In opposition, the defendants represent that, since the filing of the plaintiff's motion, the parties have agreed to hold his deposition at another correctional institution to accommodate the

plaintiff and allay his concerns. Based upon this agreement, we will dismiss the plaintiff's motion as moot.

Accordingly, this 26th day of October, 2001, upon consideration of the plaintiff's Motion in Objection to the Defendants' Notice of Oral Deposition (doc. 27), it is ordered that the motion is dismissed as moot.


William W. Caldwell
WILLIAM W. CALDWELL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

October 26, 2001

Re: 1:00-cv-02125 Cleary v. Kyler

True and correct copies of the attached were mailed by the clerk to the following:

Raymond W. Dorian, Esq.
Office of Chief Counsel
PA Dept of Corrections
55 Utley Drive
Camp Hill, PA 17011

John Cleary
SCI Pittsburgh
DF5779
Box 999D1
Pittsburgh, PA 15322

cc:		
Judge	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>) Pro Se Law Clerk
Magistrate Judge	(<input type="checkbox"/>)	(<input type="checkbox"/>) INS
U.S. Marshal	(<input type="checkbox"/>)	(<input type="checkbox"/>) Jury Clerk
Probation	(<input type="checkbox"/>)	
U.S. Attorney	(<input type="checkbox"/>)	
Atty. for Deft.	(<input type="checkbox"/>)	
Defendant	(<input type="checkbox"/>)	
Warden	(<input type="checkbox"/>)	
Bureau of Prisons	(<input type="checkbox"/>)	
Ct Reporter	(<input type="checkbox"/>)	
Ctroom Deputy	(<input type="checkbox"/>)	
Orig-Security	(<input type="checkbox"/>)	
Federal Public Defender	(<input type="checkbox"/>)	
Summons Issued	(<input type="checkbox"/>)	with N/C attached to complt. and served by: U.S. Marshal (<input type="checkbox"/>) Pltf's Attorney (<input type="checkbox"/>)
Standard Order 93-5	(<input type="checkbox"/>)	
Order to Show Cause	(<input type="checkbox"/>)	with Petition attached & mailed certified mail to: US Atty Gen (<input type="checkbox"/>) PA Atty Gen (<input type="checkbox"/>) DA of County (<input type="checkbox"/>) Respondents (<input type="checkbox"/>)
Bankruptcy Court	(<input type="checkbox"/>)	
Other _____	(<input type="checkbox"/>)	

MARY E. D'ANDREA, Clerk

DATE: 10/26/01

BY: dsm
Deputy Clerk